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AN ACT

RELATING TO PUBLIC PROPERTY; RECONCILING MULTIPLE AMENDMENTS  
IN LAWS 2003; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-6-2 NMSA 1978 (being Laws 1979,  
Chapter 195, Section 3, as amended by Laws 2003, Chapter 203,  
Section 1 and by Laws 2003, Chapter 349, Section 21) is  
amended to read:

"13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL  
PUBLIC BODIES--AUTHORITY TO SELL OR DISPOSE OF PROPERTY--  
APPROVAL OF APPROPRIATE APPROVAL AUTHORITY.--

A. Providing a written determination has been  
made, a state agency, local public body, school district or  
state educational institution may sell or otherwise dispose  
of real or tangible personal property belonging to the state  
agency, local public body, school district or state  
educational institution.

B. A state agency, local public body, school  
district or state educational institution may sell or  
otherwise dispose of real property:

(1) by negotiated sale or donation to an  
Indian nation, tribe or pueblo located wholly or partially in  
New Mexico, or to a governmental unit of an Indian nation,  
tribe or pueblo in New Mexico, that is authorized to purchase

1 land and control activities on its land by an act of congress  
2 or to purchase land on behalf of the Indian nation, tribe or  
3 pueblo;

4 (2) by negotiated sale or donation to other  
5 state agencies, local public bodies, school districts or  
6 state educational institutions;

7 (3) through the central purchasing office of  
8 the state agency, local public body, school district or state  
9 educational institution by means of competitive sealed bid,  
10 public auction or negotiated sale to a private person or to  
11 an Indian nation, tribe or pueblo in New Mexico; or

12 (4) if a state agency, through the federal  
13 property assistance bureau of the general services  
14 department.

15 C. A state agency shall give the federal property  
16 assistance bureau of the general services department the  
17 right of first refusal to dispose of tangible personal  
18 property of the state agency. A school district may give the  
19 department the right of first refusal to dispose of tangible  
20 personal property of the school district.

21 D. Except as provided in Section 13-6-2.1 NMSA  
22 1978 requiring state board of finance approval for certain  
23 transactions, sale or disposition of real or tangible  
24 personal property having a current resale value of more than  
25 five thousand dollars (\$5,000) may be made by a state agency,

1 local public body, school district or state educational  
2 institution if the sale or disposition has been approved by  
3 the state budget division of the department of finance and  
4 administration for state agencies, the local government  
5 division of the department of finance and administration for  
6 local public bodies, the public education department for  
7 school districts and the commission on higher education for  
8 state educational institutions.

9 E. Prior approval of the appropriate approval  
10 authority is not required if the tangible personal property  
11 is to be used as a trade-in or exchange pursuant to the  
12 provisions of the Procurement Code.

13 F. The appropriate approval authority may  
14 condition the approval of the sale or other disposition of  
15 real or tangible personal property upon the property being  
16 offered for sale or donation to a state agency, local public  
17 body, school district or state educational institution.

18 G. The appropriate approval authority may credit a  
19 payment received from the sale of such real or tangible  
20 personal property to the governmental body making the sale.  
21 The state agency, local public body, school district or state  
22 educational institution may convey all or any interest in the  
23 real or tangible personal property without warranty.

24 H. This section shall not apply to:

- 25 (1) computer software of a state agency;

- 1 (2) those institutions specifically  
2 enumerated in Article 12, Section 11 of the constitution of  
3 New Mexico;
- 4 (3) the New Mexico state police division of  
5 the department of public safety;
- 6 (4) the state land office or the department  
7 of transportation;
- 8 (5) property acquired by a museum through  
9 abandonment procedures pursuant to the Abandoned Cultural  
10 Properties Act;
- 11 (6) leases of county hospitals with any  
12 person pursuant to the Hospital Funding Act;
- 13 (7) property acquired by the economic  
14 development department pursuant to the Statewide Economic  
15 Development Finance Act; and
- 16 (8) the state parks division of the energy,  
17 minerals and natural resources department."

18 Section 2. EMERGENCY.--It is necessary for the public  
19 peace, health and safety that this act take effect  
20 immediately.

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